

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

Baltimore, Maryland
April 22, 2013
12:43 PM to 12:56 PM

THE ABOVE-ENTITLED MATTER CONTINUED ON FOR
JURY TRIAL
BEFORE THE HONORABLE WILLIAM D. QUARLES, JR.

A P P E A R A N C E S

On behalf of the Government:

Michael Cunningham, Assistant U.S. Attorney
Rachel Yasser, Assistant U.S. Attorney

On behalf of Defendant German de Jesus Ventura:

Gerald Ruter, Esquire

On behalf of Defendant Kevin Garcia Fuertes:

Michael D. Montemarano, Esquire

1 A P P E A R A N C E S (CONT.)

2 Also present:

3 HSI Special Agent Edward Kelly
4 Victoria Kirchgessner, Spanish Interpreter

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22 Reported by:

23 Martin J. Giordano, RMR, CRR, FOCA
24 U.S. Courthouse, Room 5515
25 101 West Lombard Street
Baltimore, Maryland 21201
410-962-4504

PROCEEDINGS OF APRIL 22, 2013

2 **THE CLERK:** All rise. The United States District
3 Court for the District of Maryland is now in session, The
4 Honorable William D. Quarles, Jr. presiding.

5 THE COURT: Good afternoon. Please be seated.

6 Counsel, are you ready for the jury? We have
7 verdicts.

8 MR. RUTER: Yes, Your Honor.

MR. CUNNINGHAM: Yes, Your Honor.

10 || (Jury enters.)

12 THE CLERK: Taking --

17 Members of the jury, will you please answer to roll
18 call.

19 || Juror Number 1?

20 JUROR 1: Here.

22 || JUROR 2: Here.

24 || **JUROR 3:** Here.

25 | **THE CLERK:** Juror Number 4?

1 **JUROR 4:** Here.

2 **THE CLERK:** Juror Number 5?

3 **JUROR 5:** Here.

4 **THE CLERK:** Juror Number 6?

5 **JUROR 6:** Here.

6 **THE CLERK:** Juror Number 7?

7 **JUROR 7:** Here.

8 **THE CLERK:** Juror Number 8?

9 **JUROR 8:** Here.

10 **THE CLERK:** Juror Number 9?

11 **JUROR 9:** Here.

12 **THE CLERK:** Juror Number 10?

13 **JUROR 10:** Here.

14 **THE CLERK:** Juror Number 11?

15 **JUROR 11:** Here.

16 **THE CLERK:** And Juror Number 12?

17 **JUROR 12:** Here.

18 **THE CLERK:** Members of the jury, have you agreed of

19 your verdicts?

20 **JURORS:** We have.

21 **THE CLERK:** Who shall say for you?

22 **JURORS:** Our foreperson.

23 **THE CLERK:** Will the foreperson please rise.

24 (Juror 11 stands.)

25 **THE CLERK:** Has the verdict sheet been signed and

1 dated by you?

2 **JURY FOREPERSON:** Yes.

3 **THE CLERK:** It is desired by the Clerk to present it
4 to the Court.

5 (Document tendered to the Clerk.)

6 (Document tendered to the Court.)

7 (Document tendered to the Clerk.)

8 (Document tendered to the Jury Foreperson.)

9 **THE CLERK:** Mr. Foreperson, will you please rise.

10 As I read the questions, will you provide the
11 answer?

12 **JURY FOREPERSON:** Yes.

13 **THE CLERK:** How do you find Defendant German de
14 Jesus Ventura, not guilty or guilty, of the matters which he
15 stands indicted as to Count 1?

16 **JURY FOREPERSON:** Guilty.

17 **THE CLERK:** As to Count 2?

18 **JURY FOREPERSON:** Guilty.

19 **THE CLERK:** As to Count 3?

20 **JURY FOREPERSON:** Guilty.

21 **THE CLERK:** As to Count 4?

22 **JURY FOREPERSON:** Guilty.

23 **THE CLERK:** As to Count 5?

24 **JURY FOREPERSON:** Guilty.

25 **THE CLERK:** As to Count 6 -- 6(a)?

1 **JURY FOREPERSON:** Guilty.

2 **THE CLERK:** As to Count 7?

3 **THE COURT:** 6(b), did you have?

4 **THE CLERK:** 6(b)?

5 **JURY FOREPERSON:** Guilty.

6 **THE CLERK:** And as to Count 7?

7 **JURY FOREPERSON:** Guilty.

8 **THE CLERK:** How do you find the Defendant, Kevin
9 Garcia Fuertes, not guilty or guilty, of the matters which he
10 stands indicted, as to Count 1?

11 **JURY FOREPERSON:** Guilty.

12 **THE CLERK:** As to Count 2?

13 **JURY FOREPERSON:** Not guilty.

14 **THE CLERK:** As to Count 3(a)?

15 **JURY FOREPERSON:** Not guilty.

16 **THE CLERK:** As to Count 3(b)?

17 **JURY FOREPERSON:** Guilty.

18 **THE CLERK:** Members of the jury -- shall I poll the
19 jury?

20 **THE COURT:** Poll the jury, please.

21 **THE CLERK:** Juror Number 1 -- Juror Number 11,
22 having been the foreperson, having delivered the verdicts as
23 asked by the Clerk and answered by you, are those your
24 verdicts?

25 **JURORS:** Yes, they are.

1 **JURY FOREPERSON:** Yes.

2 **THE CLERK:** Juror Number 1, having heard the
3 verdicts as asked by the Clerk and answered by your
4 foreperson, are those your verdicts?

5 **JUROR 1:** Yes.

6 **THE CLERK:** Juror Number 2, having heard the
7 verdicts as asked by the Clerk and answered by your
8 foreperson, are those your verdicts?

9 **JUROR 2:** Yes.

10 **THE CLERK:** Juror Number 3, having heard the
11 verdicts asked by the Clerk and answered by your foreperson,
12 are those your verdicts?

13 **JUROR 3:** Yes.

14 **THE CLERK:** And, Juror Number 4, having heard the
15 verdicts as answered by your foreperson, and -- asked by the
16 Clerk and answered by your foreperson, are those your
17 verdicts?

18 **JUROR 4:** Yes.

19 **THE CLERK:** Juror Number 5, having heard the
20 verdicts as asked by the Clerk and answered by the foreperson,
21 are those your verdicts?

22 **JUROR 5:** Yes.

23 **THE CLERK:** Juror Number 6, having heard the
24 verdicts as asked by the Clerk and answered by your
25 foreperson, are those your verdicts?

1 **JUROR 6:** Yes.

2 **THE CLERK:** Juror Number 7, having heard the
3 verdicts as asked by the Clerk and answered by your
4 foreperson, are those your verdicts?

5 **JUROR 7:** Yes, ma'am.

6 **THE CLERK:** And, Juror Number 8, having heard the
7 verdicts as asked by the Clerk and answered by your
8 foreperson, are those your verdicts?

9 **JUROR 8:** Yes.

10 **THE CLERK:** Juror Number 9, having heard the
11 verdicts as asked by the Clerk and answered by your
12 foreperson, are those your verdicts?

13 **JUROR 9:** Yes.

14 **THE CLERK:** Juror Number 10, having heard the
15 verdicts as asked by the Clerk and answered by your
16 foreperson, are those your verdicts?

17 **JUROR 10:** Yes.

18 **THE CLERK:** And, Juror Number 12, having heard the
19 verdicts as asked by the Clerk and answered by your
20 foreperson, are those your verdicts?

21 **JUROR 12:** Yes, it is.

22 **THE CLERK:** Members of the jury, hearken to your
23 verdict as the Court hath recorded it, that the Defendant
24 German de Jesus Ventura stands guilty as to all counts, and
25 Defendant Kevin Garcia Fuertes, is guilty as to Count 1 and

1 Count 3 -- 6, and not guilty on Count 2, and so you say all?

2 **JUROR 4:** Yes.

3 **JURY FOREPERSON:** I think -- I'm sorry. I said

4 Count 6(a) was a not guilty verdict.

5 **THE CLERK:** Correct. Thank you.

6 **THE COURT:** As to Mr. Fuertes?

7 **JURORS:** Yes.

8 **THE COURT:** Ladies and gentlemen, I want to thank
9 you for the service you've given us into our third week now.
10 I know that jury duty is nobody's favorite thing to do. I've
11 had jurors tell me they would rather go to the dentist than
12 spend time here.

13 (Laughter.)

14 **THE COURT:** So I understand that it is a sacrifice
15 for you as well as a very stressful period for you, but I
16 think, this evening, when you are telling your family and
17 loved ones about what you've been doing for the past few
18 weeks, I hope that, in addition to any inconvenience you tell
19 them about, you also explain to them the importance of jury
20 duty in a functioning democracy. The alternative to having
21 this power reside with you would be, of course, having
22 government employees make these decisions over and over again,
23 and we would lose some of the common sense, life experience,
24 and wisdom that this system provides us.

25 So, when you are talking, again, to friends, explain

1 that it's real. There are very few other places in the world
2 where citizens come into courthouses and exercise governmental
3 power, governmental authority to decide these sorts of things.
4 We are, the government, are subordinate to you and your
5 authority when you are acting in this role. So, as I said,
6 it's very necessary and an important part of a democracy, and
7 I think the founders got it right when they put that power --
8 correction -- when they left that power in your hands.

9 We will have a small token of appreciation for you
10 in the form of a certificate. Again, I thank you, and, on
11 behalf of everyone here, I thank you for your service. You
12 are excused.

13 **JURORS:** Thank you.

14 (Jury excused.)

15 **THE COURT:** Belinda, what are the available dates?

16 **THE CLERK:** Available dates?

17 **THE COURT:** Counsel, July 18, 1:00 p.m., anyone
18 available for that?

19 **MR. CUNNINGHAM:** Judge, I know I'm not available
20 that week.

21 **MR. MONTEMARANO:** Nor am I.

22 **THE COURT:** Okay. July 23rd, 1:00 p.m.?

23 **MR. CUNNINGHAM:** Yes, Your Honor. The Government is
24 available.

25 **MR. RUTER:** Yes, Your Honor.

1 **MR. MONTEMARANO:** As am I.

2 **THE COURT:** Okay. Then we'll do 1:00 and 2:00 p.m.
3 We will do Mr. Ventura at 1:00 p.m., Madam Clerk, and we will
4 do Mr. Fuertes at 2:00 p.m., all on July 23. One moment, sir.
5 The Government is checking its calendars again.

6 **MR. CUNNINGHAM:** Oh, no. I apologize, Judge. No.
7 We're both available. I'm sorry.

8 **THE COURT:** Okay. Okay. Anything further from the
9 Government?

10 **MR. CUNNINGHAM:** No, Your Honor.

11 **THE COURT:** From the Defense?

12 **MR. MONTEMARANO:** No, Your Honor.

13 **MR. RUTER:** No, Your Honor.

14 **THE COURT:** Thank you.

15 You had raised your hand, Mr. Ventura?

16 **DEFENDANT VENTURA:** I hope she can translate this.

17 **THE COURT:** I'm sorry. I did not hear.

18 **DEFENDANT VENTURA:** I'm waiting for her to
19 translate. Your Honorable Judge, I apologize for always
20 bugging you to ask favors or to ask for something in my favor,
21 but I would like to beg you to please allow me to have my
22 evidence and my discovery now that the trial is over.

23 **THE COURT:** Okay. For the reasons that I've
24 explained to you several times, Mr. Ventura, I am unable to
25 grant that request.

1 Thank you. Anything further?

2 **DEFENDANT VENTURA:** One more time, I have never seen
3 the evidence. I had an unfair trial.

4 **THE COURT:** I understand that, sir.

5 **DEFENDANT VENTURA:** And I'm -- and I would not like
6 to have this gentleman with me at any time, please.

7 **THE COURT:** Thank you.

8 **MR. RUTER:** Thank you, Your Honor.

9 **THE CLERK:** All rise. This Honorable Court now
10 stands in recess.

11 (Proceedings adjourned.)

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13
14 I, Martin J. Giordano, Registered Merit Reporter and Certified
15 Realtime Reporter, certify that the foregoing is a correct
16 transcript from the record of proceedings in the
17 above-entitled matter.

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19 _____
20 Martin J. Giordano, RMR, CRR

21 Date

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